

### **REMARKS**

This application has been reviewed in light of the Office Action dated August 23, 2006. Claims 1-23 are pending in the application.

Initially, the specification of the present application is amended to correct a typographical error, in connection with the "CROSS-REFERENCE TO RELATED APPLICATIONS" paragraph. Reference to U.S. Provisional Patent Application Serial No. 60/201,118, from the which the present application claims the benefit of priority, is amended to reflect the proper filing date thereof.

In the Office Action, Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. § 103(a) over U.S. Patent Publication No. 2002/0162113 A1 to Hunter (Hunter '0162113) in further view of U.S. Patent No. 5,918,213 to Bernard et al. (Bernard '213) and the publication "TIVIX Product Brochure 'Streamlining'", #18 (date unknown), submitted with Information Disclosure Citation dated August 16, 2001 in the present application (Tivix). However, it is respectfully submitted that the Tivix publication has no indication of date and thus there is no evidence that it is prior art to the present application and as such, the rejection of Claims 1, 2, 6 and 7 should be withdrawn, as discussed below.

With regard to the Tivix publication, this document has no known publication date. Moreover, pursuant to a search of the internet archive website WAYBACKMACHINE, which is displayed from the URL: <http://web.archive.org>, it appears that the website associated with the URL: [www.tivix.com](http://www.tivix.com) did not exist prior to May 10, 2000 (see attached results from internet archive search).

The effective filing date of the present application is May 2, 2000, based on the priority and proper claim of benefit to U.S. Provisional Patent Application Serial No. 60/201,118. Therefore, the effective filing date of the present application, May 2, 2000, apparently predates the existence of the URL: [www.tivix.com](http://www.tivix.com) and the Tivix publication, which can be no earlier than May 10, 2000.

With regard to this rejection, the Office Action notes "the Hunter reference ... is silent as to the utilization of associated advertisements." The Office Action relies on the Tivix

publication in an attempt to cure the deficiencies of Hunter '0162113 publication. However, the Tivix publication is not prior art to the present application, as discussed. Accordingly, the present rejection is not proper and must be withdrawn. Reconsideration and withdrawal of the rejection are respectfully requested.

In the Office Action, Claims 3-5 are rejected under 35 U.S.C. § 103(a) over the Hunter '0162113 publication in further view of the Bernard '213 patent, the TIVIX publication and U.S. Patent No. 5,924,013 to Guido et al. (Guido '013). However, it is respectfully submitted that the Tivix publication is not prior art to the present application and as such, the rejection of Claims 3-5 is not proper and must be withdrawn, as discussed. Reconsideration and withdrawal of the rejection are respectfully requested.

In the Office Action, Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) over the Hunter '0162113 publication in further view of the TIVIX publication, the Bernard '213 patent, U.S. Patent Publication No. 2004/0093608 to Sprogis (Sprogis '0093608) and U.S. Patent Publication No. 2003/0172374 to Vinson (Vinson '0172374). However, it is respectfully submitted that the Tivix publication is not prior art to the present application and as such, the rejection of Claims 8 and 9 is not proper and must be withdrawn, as discussed. Reconsideration and withdrawal of the rejection are respectfully requested.

In the Office Action, Claims 10-11 are rejected under 35 U.S.C. § 103(a) over the Hunter '0162113 publication in further view of U.S. Patent No. 6,233,523 to Sood (Sood '523) and the TIVIX publication. However, it is respectfully submitted that the Tivix publication is not prior art to the present application and as such, the rejection of Claims 10-11 is not proper and must be withdrawn, as discussed. Reconsideration and withdrawal of the rejection are respectfully requested.

In the Office Action, Claims 12-18 are rejected under 35 U.S.C. § 103(a) over the Hunter '0162113 publication in further view of the Guido '013 patent and the TIVIX publication. However, it is respectfully submitted that the Tivix publication is not prior art to the present application and as such, the rejection of Claims 12-18 is not proper and must be withdrawn, as discussed. Reconsideration and withdrawal of the rejection are respectfully requested.

In the Office Action, Claims 19-20 are rejected under 35 U.S.C. § 103(a) over the Hunter '0162113 publication in further view of the Guido '013 patent, the TIVIX publication, the Sprogis '0093608 publication and the Vinson '0172374 publication. However, it is respectfully submitted that the Tivix publication is not prior art to the present application and as such, the rejection of Claims 19-20 is not proper and must be withdrawn, as discussed. Reconsideration and withdrawal of the rejection are respectfully requested.

In the Office Action, Claim 21 is rejected under 35 U.S.C. § 103(a) over the Hunter '0162113 publication in further view of the Bernard '213 patent, the TIVIX publication and the Sprogis '0093608 publication. However, it is respectfully submitted that the Tivix publication is not prior art to the present application and as such, the rejection of Claim 21 is not proper and must be withdrawn, as discussed. Reconsideration and withdrawal of the rejection are respectfully requested.

In the Office Action, Claim 22 is rejected under 35 U.S.C. § 103(a) over the Hunter '0162113 publication in further view of the Bernard '213 patent, the TIVIX publication, the Sprogis '0093608 publication and the Vinson '0172374 publication. However, it is respectfully submitted that the Tivix publication is not prior art to the present application and as such, the rejection of Claim 22 is not proper and must be withdrawn, as discussed. Reconsideration and withdrawal of the rejection are respectfully requested.

In the Office Action, Claim 23 is rejected under 35 U.S.C. § 103(a) over the Hunter '0162113 publication in further view of the TIVIX publication and the Bernard '213 patent. However, it is respectfully submitted that the Tivix publication is not prior art to the present application and as such, the rejection of Claim 23 is not proper and must be withdrawn, as discussed. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1-23 presently pending in the application are believed to be in condition for allowance and patentably distinguish over the art of record. An early notice thereof is earnestly solicited.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call the Applicant's undersigned attorney.

Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this application, or credit any overpayment of such fee(s) to *Deposit Account No. 50-0369*. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge *Deposit Account No. 50-0369* therefor.

Dated: Apr 16, 2001

Respectfully submitted,

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Searched for <http://tivix.com>

58 Results

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## Search Results for Jan 01, 1996 - Nov 14, 2006

1996	1997	1998	1999	2000	2001	2002	2003	2004
0	0	0	0	11 pages	12 pages	17 pages	11 pages	3 pages
pages	pages	pages	pages					
				<a href="#">May 10, 2000</a> *	<a href="#">Jan 19, 2001</a>	<a href="#">Jan 22, 2002</a>	<a href="#">Feb 06, 2003</a> *	<a href="#">Nov 30, 2004</a> * <a href="#">N</a>
				<a href="#">Jun 12, 2000</a> *	<a href="#">Feb 01, 2001</a> *	<a href="#">Mar 26, 2002</a> *	<a href="#">Feb 08, 2003</a> *	<a href="#">Dec 03, 2004</a> <a href="#">N</a>
				<a href="#">Jun 19, 2000</a> *	<a href="#">Feb 01, 2001</a> *	<a href="#">Mar 31, 2002</a>	<a href="#">Feb 13, 2003</a> *	<a href="#">Dec 07, 2004</a> <a href="#">D</a>
				<a href="#">Jul 11, 2000</a> *	<a href="#">Mar 31, 2001</a> *	<a href="#">Apr 01, 2002</a> *	<a href="#">Feb 13, 2003</a> *	
				<a href="#">Jul 11, 2000</a> *	<a href="#">Apr 01, 2001</a>	<a href="#">May 28, 2002</a> *	<a href="#">Mar 23, 2003</a>	
				<a href="#">Jul 11, 2000</a> *	<a href="#">Apr 02, 2001</a>	<a href="#">May 29, 2002</a> *	<a href="#">Mar 24, 2003</a> *	
				<a href="#">Aug 16, 2000</a> *	<a href="#">Apr 05, 2001</a>	<a href="#">Jun 02, 2002</a>	<a href="#">Apr 05, 2003</a>	
				<a href="#">Oct 02, 2000</a>	<a href="#">Apr 19, 2001</a>	<a href="#">Jul 21, 2002</a> *	<a href="#">Apr 08, 2003</a> *	
				<a href="#">Nov 10, 2000</a> *	<a href="#">May 17, 2001</a> *	<a href="#">Aug 02, 2002</a>	<a href="#">May 24, 2003</a>	
				<a href="#">Nov 17, 2000</a> *	<a href="#">Jul 21, 2001</a> *	<a href="#">Aug 10, 2002</a> *	<a href="#">Jun 02, 2003</a>	
				<a href="#">Dec 06, 2000</a> *	<a href="#">Sep 24, 2001</a> *	<a href="#">Sep 25, 2002</a> *	<a href="#">Jun 24, 2003</a> *	
					<a href="#">Nov 30, 2001</a> *	<a href="#">Sep 28, 2002</a> *		
						<a href="#">Sep 30, 2002</a>		
						<a href="#">Nov 21, 2002</a> *		
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